

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY PATENT

Applicant:	John O. Marsden, et al.	Docket No.:	97112.2617
Serial No.:	10/758,755	Filing Date:	January 16, 2004
Group Art Unit:	1754	Examiner:	Steven J. Bos
		Confirmation Number:	6408

Title: METHOD FOR RECOVERING METAL VALUES FROM METAL-CONTAINING MATERIALS USING HIGH TEMPERATURE PRESSURE LEACHING

TERMINAL DISCLAIMER IN ACCORDANCE
WITH 37 C.F.R. §§ 1.321(c) or 1.321(d)

Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Honorable Commissioner:

Phelps Dodge Corporation is the sole owner of the instant application, the same as the owner of U.S. Patent No. 6,680,034 in that the instant application is a continuation of U.S. Serial No. 09/912,922, filed on July 25, 2001 (which issued as U.S. Patent No. 6,680,034). U.S. Patent No. 6,680,034 was assigned to Phelps Dodge Corporation by way of a proper Assignment which was recorded in the United States Patent and Trademark Office at Reel 012019, Frame 0193. Accordingly, the owner of the instant application, Phelps Dodge Corporation, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend it beyond the expiration date of the full statutory term defined in 35 U.S.C.

§§ 154-156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,680,034. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent(s) are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later: (i) expires for failure to pay maintenance fee, (ii) is held unenforceable, (iii) is found invalid by a court of competent jurisdiction, (iv) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, (v) has all claims canceled by reexamination certificate, (vi) is reissued, or (vii) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

CONCLUSION

As Applicant's attorney of record, in compliance with 3.73(b), I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

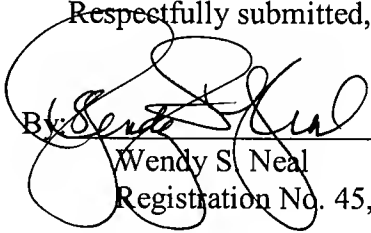
The Commissioner is hereby authorized to charge any fees, including the requisite petition fee of \$130, which may be required, or credit any overpayment, to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

Dated: 21 May 2007

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Respectfully submitted,

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